

FORM PTO-1390 (Modified)  
(REV. 07-2004)

U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

259979US0PCT

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/509323**INTERNATIONAL APPLICATION NO.  
**PCT/JP03/04433**INTERNATIONAL FILING DATE  
**8 April 2003**PRIORITY DATE CLAIMED  
**8 April 2002**

TITLE OF INVENTION

**COMPOSITION FOR TREATMENT OF BONE INFECTION**

APPLICANT(S) FOR DO/EO/US

**MATSUNO Hiroaki et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 23 below concern document(s) or information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

**PCT/IB/304/Notice of Priority/PCT/IB/308  
Application Data Sheet/Drawings (10 sheets)  
Request for Consideration**

|                                                                                                                     |  |                                                 |  |                                          |  |
|---------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------|--|------------------------------------------|--|
| U.S. APPLICATION NO (if known, see 37 CFR 1.5)<br><div style="font-size: 1.5em; font-weight: bold;">10/509323</div> |  | INTERNATIONAL APPLICATION NO.<br>PCT/JP03/04433 |  | ATTORNEY'S DOCKET NUMBER<br>259979US0PCT |  |
|---------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------|--|------------------------------------------|--|

  

24. The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)) :**

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1110.00
- ☒ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$950.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$790.00
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$750.00
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

| CLAIMS                                                                                                                                                                                                 | NUMBER FILED | NUMBER EXTRA | RATE      |  |                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------|-----------|--|---------------------------|
| Total claims                                                                                                                                                                                           | 17 - 20 =    | 0            | x \$18.00 |  | \$0.00                    |
| Independent claims                                                                                                                                                                                     | 1 - 3 =      | 0            | x \$86.00 |  | \$0.00                    |
| Multiple Dependent Claims (check if applicable). <input checked="" type="checkbox"/>                                                                                                                   |              |              |           |  | \$300.00                  |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>                                                                                                                                                                   |              |              |           |  | \$1,380.00                |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.                                                                           |              |              |           |  | \$0.00                    |
| <b>SUBTOTAL =</b>                                                                                                                                                                                      |              |              |           |  | \$1,380.00                |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). |              |              |           |  | \$0.00                    |
| <b>TOTAL NATIONAL FEE =</b>                                                                                                                                                                            |              |              |           |  | \$1,380.00                |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>       |              |              |           |  | \$0.00                    |
| <b>TOTAL FEES ENCLOSED =</b>                                                                                                                                                                           |              |              |           |  | \$1,380.00                |
|                                                                                                                                                                                                        |              |              |           |  | Amount to be: refunded \$ |
|                                                                                                                                                                                                        |              |              |           |  | charged \$                |

CALCULATIONS PTO USE ONLY

  

a. ☐ A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.

c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0030

d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

  

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

CUSTOMER NUMBER 22850

SIGNATURE

Norman F. Oblon

NAME Corwin P. Umbach, Ph.D.

24,618 Registration No. 40,211

REGISTRATION NUMBER

October 6, 2004

DATE

DOCKET NO.: 259979US0PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Hiroaki MATSUNO et al.

SERIAL NO.: NEW U.S. PCT APPLICATION

FILED: HERewith

INTERNATIONAL APPLICATION NO.: PCT/JP03/04433

INTERNATIONAL FILING DATE: April 8, 2003

FOR: THERAPEUTIC COMPOSITION FOR BONE INFECTIOUS DISEASE

**REQUEST FOR PRIORITY UNDER 35 U.S.C. 119  
AND THE INTERNATIONAL CONVENTION**Commissioner for Patents  
Alexandria, Virginia 22313

Sir:

In the matter of the above-identified application for patent, notice is hereby given that the applicant claims as priority:

**COUNTRY**  
Japan**APPLICATION NO**  
2002-105133**DAY/MONTH/YEAR**  
08 April 2002

Certified copies of the corresponding Convention application(s) were submitted to the International Bureau in PCT Application No. PCT/JP03/04433. Receipt of the certified copy(s) by the International Bureau in a timely manner under PCT Rule 17.1(a) has been acknowledged as evidenced by the attached PCT/IB/304.

Respectfully submitted,  
OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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(OSMMN 08/03)

DOCKET NO.: 259979US0PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Hiroaki MATSUNO et al.

SERIAL NO.: NEW U.S. PCT APPLICATION

FILED: HERewith

INTERNATIONAL APPLICATION NO.: PCT/JP03/04433

INTERNATIONAL FILING DATE: April 8, 2003

FOR: THERAPEUTIC COMPOSITION FOR BONE INFECTIOUS DISEASE

**REQUEST FOR CONSIDERATION OF DOCUMENTS**  
**CITED IN INTERNATIONAL SEARCH REPORT**

Commissioner for Patents  
Alexandria, Virginia 22313

Sir:

In the matter of the above-identified application for patent, notice is hereby given that applicant(s) request that the Examiner consider the documents cited in the International Search Report according to MPEP §609 and so indicate by a statement in the first Office Action that the information has been considered. When the Form PCT/DO/EO/903 indicates both the search report and copies of the documents are present in the national stage file, there is no requirement for the applicant(s) to submit them (1156 O.G. 91 November 23, 1993).

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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